



***Substitute Senate Bill No. 256***

***Public Act No. 05-78***

***AN ACT CONCERNING THE LIABILITY OF SKI AREA OPERATORS FOR INJURIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-211 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

In the operation of a passenger tramway or ski area, each operator shall have the obligation to perform certain duties including, but not limited to: (1) Conspicuously marking all trail maintenance vehicles and furnishing the vehicles with flashing or rotating lights which shall be operated whenever the vehicles are working or moving within the skiing area; (2) conspicuously marking the location of any hydrant or similar device used in snow-making operations and placed on a trail or slope; (3) conspicuously marking the entrance to each trail or slope with a symbol, adopted or approved by the National Ski Areas Association, which identifies the relative degree of difficulty of such trail or slope or warns that such trail or slope is closed; (4) conspicuously marking [all lift towers within the confines of] any lift tower that is located on a trail or slope and is not readily visible; (5) maintaining one or more trail boards, at prominent locations within the ski area, displaying such area's network of ski trails and slopes, designating each trail or slope in the same manner as provided in

**Substitute Senate Bill No. 256**

subdivision (3) of this section and notifying each skier that the wearing of ski retention straps or other devices used to prevent runaway skis is required by this section, section 29-201 and sections 29-212 to [29-214] 29-213, inclusive; (6) in the event maintenance [men] personnel or equipment are being employed on any trail or slope during the hours at which such trail or slope is open to the public, conspicuously posting notice thereof at the entrance to such trail or slope; and (7) conspicuously marking trail or slope intersections.

Sec. 2. Section 29-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) For the purposes of this section:

(1) "Skier" includes any person who is using a ski area for the purpose of skiing or who is on the skiable terrain of a ski area as a spectator or otherwise, but does not include (A) any person using a snow tube provided by a ski area operator, and (B) any person who is a spectator while in a designated spectator area during any event;

(2) "Skiing" means sliding downhill or jumping on snow or ice using skis, a snowboard, snow blades, a snowbike, a sit-ski or any other device that is controllable by its edges on snow or ice or is for the purpose of utilizing any skiable terrain, but does not include snow tubing operations provided by a ski area operator; and

(3) "Ski area operator" means a person who owns or controls the operation of a ski area and such person's agents and employees.

(b) Each skier shall assume the risk of and legal responsibility for any injury to his or her person or property [arising out of] caused by the hazards inherent in the sport of skiing. [, unless the injury was proximately caused by the negligent operation of the ski area by the ski area operator, his agents or employees.] Such hazards include, but are not limited to: (1) Variations in the terrain of the trail or slope

***Substitute Senate Bill No. 256***

which is marked in accordance with subdivision (3) of section 29-211, as amended by this act, or variations in surface or subsurface snow or ice conditions, except that no skier assumes the risk of variations which are caused by the ski area operator unless such variations are caused by snow making, snow grooming or rescue operations; (2) bare spots which do not require the closing of the trail or slope; (3) conspicuously placed or, if not so placed, conspicuously marked lift towers; (4) trees or other objects not within the confines of the trail or slope; (5) [boarding] loading, unloading or otherwise using a passenger tramway without prior knowledge of proper loading and unloading procedures or without reading instructions concerning loading and unloading posted at the base of such passenger tramway or without asking for such instructions; and (6) collisions with any other person by any skier while skiing, except that collisions with on-duty employees of the ski area operator who are skiing and are within the scope of their employment at the time of the collision shall not be a hazard inherent in the sport of skiing.

(c) The provisions of this section shall not apply in any case in which it is determined that a claimant's injury was not caused by a hazard inherent in the sport of skiing.

Sec. 3. Section 29-214 of the general statutes is repealed. (*Effective October 1, 2005*)

Approved June 2, 2005